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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,800	01/27/2004	Shiv Kumar Gupta	14964US01	2483
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Christopher C. Winslade McAndrews, Held & Malloy, Ltd. 34th Floor 500 West Madison St. Chicago, IL 60661				
EXAMINER				
LEE, JOHN W				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,800

Applicant(s)

GUPTA ET AL.

Examiner

JOHN Wahnkyo LEE

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- The application was forwarded to the examiner on 11 June 2009.

Response to Amendment/Arguments

1. Applicant's amendment and arguments filed on 28 April 2009 have been fully considered.

2. Summary of Applicant's remark

1) Status of the application:

Claims 1-10 are pending; claim 3 is amended; claim 11-13 is added.

2) Ground of rejections to be reviewed:

- Claim rejections under 35 USC 102 (b)

3. Response to Applicant's remark

1) Claim rejection under 35 USC 102 (b)

Regarding claims 1 and 6, the applicant argues that Tsukagoshi does not teach the "first memory for storing a reference video" and "writing the decoded reference video to the second memory." However, the examiner completely disagrees with the applicant. Memory is a space where a data can be stored. Furthermore, when a method is implemented by a computer, a memory is always involved to store the data for each step of the algorithm. Even though, a first memory is not explicitly disclosed in Fig. 1b-100, paragraph [0028] in Tsukagoshi, it is inherent and readily apparent that the signal input includes a memory, which will receive and store the analog or digital input signal in order to

pass the signal to the encoder system. Same with Fig. 1b-150, paragraph [0028].

Tsukagoshi does not explicitly disclose the second memory, but it is inherent and readily apparent that the video & audio output will receive and store the decoded reference video to output the video. So, the rejection to claims 1 and 6 cannot be withdrawn. For the same reason, the dependent claims 2-5 cannot be withdrawn.

The amended claim 3 and the new added claims 11-13 will be discussed below.

- 2) The ground rejection with be provided below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukagoshi et al. (US 2003/0002578).

Regarding claim 1, Tsukagoshi discloses a transport stream feeder for verifying a video decoder, said transport stream feeder comprising: a digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards"), said digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards") comprising: a first memory (Fig. 1b-110; paragraph [0028], "signal input" and "It is inherent and readily apparent that the signal input includes a memory, which will receive and store the analog or digital input signal in order to pass the signal to the encoder system.") for storing a

reference video (Fig. 1b-102, "input signal"; paragraph [0028], "MPEG-2, MPEG-4, digital video (DV)"); a processor (Fig. 1b-130; paragraph [0028], "system control") for encoding (Fig. 1b-115; paragraph [0029], "video encoder") the reference video (Fig. 1b-102, "input signal"; paragraph [0028], "MPEG-2, MPEG-4, digital video (DV)"), providing the encoded reference video (Fig. 1b-2112; paragraph [0028], "encoded signals are .. transferred to decoder system") to the video decoder (Fig. 1b-145; paragraph [0029], "video decoder"), and receiving a decoded reference video (Fig. 1b, "v2") from the video decoder (Fig. 1b-145; paragraph [0029], "video decoder") and writing the decoded reference video (Fig. 1b, "v2") to the second memory (Fig. 1b-150; paragraph [0028], "video and audio output" and "It is inherent and readily apparent that the video & audio output will receive and store the decoded reference video to output the video."); and a the second memory (Fig. 1b-150; paragraph [0028], "video and audio output") for storing a the decoded reference video (Fig. 1b, "v2").

Regarding claim 2, Tskagoshi discloses an interface for transmitting (Fig. 1b-160; paragraph [0028], "storage or transmission medium") the reference video to the video decoder (Fig. 1b-2112; paragraph [0028], "encoded signals are ... transferred to decoder system").

Regarding claim 3, Tskagoshi discloses an adapter transmitting (Fig. 1b-160; paragraph [0028], "storage or transmission medium") for connecting the digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards") to the video decoder (Fig. 1b-145; paragraph [0029], "video decoder"), said adapter and capable of removing the digital input/output card from the video decoder.

Regarding claim 4, Tskagoshi discloses wherein the digital input/output card (Fig. 1b-100; paragraph [0022], "magnetic or optical cards") further comprising: a third memory (Fig. 1b-130; paragraph [0028], "system control") for storing a plurality of instructions executable by the processor, wherein execution of the plurality of instructions by the processor causes (Fig. 1b, "software module"): encoding (Fig. 1b-145; paragraph [0029], "video decoder") the reference video (Fig. 1b-102, "input signal"; paragraph [0028], "MPEG-2, MPEG-4, digital video (DV)"); transmitting (Fig. 1b-160; paragraph [0028], "storage or transmission medium") the encoded reference video (Fig. 1b-2112; paragraph [0028], "encoded signals are ... transferred to decoder system"); receiving the decoded reference video (Fig. 1b, "v2") from the video decoder (Fig. 1b-145; paragraph [0029], "video decoder"); and storing the decoded reference video (Fig. 1b, "v2") from the video decoder (Fig. 1b-145; paragraph [0029], "video decoder").

Regarding claim 5, Tskagoshi discloses the encoded reference video comprising an MPEG transport stream (paragraph [0028], "MPEG-2, MPEG-4").

Regarding claims 6-10, claims 6-10 are duplicated to claims 1-5, respectively. See rejections of claims 1-5 for further explanation.

Regarding claim 11, Tskagoshi discloses the processor providing the encoded video data directly to the video decoder (Fig. 1b; "It shows that the encoded data is directly sent to the video decoder without any data processing.").

Regarding claim 12, Tskagoshi discloses the processor providing the encoded video data to the video decoder immediately after encoding (Fig. 1b; "It shows that the encoded data is immediately sent to the video decoder without any data processing.").

Regarding claim 13, Tskagoshi discloses the first memory storing the entire reference video (Fig. 1b-110; paragraph [0028], "signal input" and "It is inherent and readily apparent that the signal input includes a memory, which will receive and store the analog or digital input signal in order to pass the signal to the encoder system.") while the second memory storing the entire decoded video (Fig. 1b-150; paragraph [0028], "video and audio output" and "It is inherent and readily apparent that the video & audio output will receive and store the decoded reference video to output the video.").

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN Wahnkyo LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHARLES KIM/
Primary Examiner, Art Unit 2624

/John Wahnkyo Lee/
Examiner, Art Unit 2624